

**SENATE JOURNAL
63RD LEGISLATURE
FIFTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
March 13, 2013

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Pro Tempore Debby Barrett presiding. Invocation by Reverend Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Mr. President, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair):

3/13/2013

Correctly printed: **SB 376, SR 18, SR 19, SR 20, SR 21, SR 22, SR 23, SR 24, SR 25, SR 26, SR 27, HB 26, HB 27, HB 50, HB 172, HB 210, HB 302, HB 351.**

Correctly engrossed: **SB 333, HB 203, HB 224.**

Correctly enrolled: **SB 61, SB 62, SB 104, SB 235, SR 12, SR 13.**

Examined by the sponsor and found to be correct: **SB 61, SB 62, SB 104, SB 235, SR 12, SR 13.**

Transmitted to the House: **HB 82, HB 89, HB 136, HB 305, HB 308, HB 337, HB 356, HB 389.**

Signed by the Secretary of the Senate at 4:05 p.m., March 13, 2013: **SB 61, SB 62, SB 104, SB 235, SR 12, SR 13.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair):

3/12/2013

SB 226, do pass. Report adopted.

HB 399, be concurred in. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair):

3/12/2013

HB 203, be amended as follows:

1. Title, page 1, line 5.

Following: "AID"

Strike: "INCLUDING AN INFLATIONARY ADJUSTMENT"

2. Page 2, line 25.

Following: "(2)"

Strike: "(a)"

Following: "for"

Insert: "each"

3. Page 2, line 26.

Strike: "2014"

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Strike: "30"

Insert: "40"

4. Page 2, line 27 through page 3, line 6.

Following: "census." on line 27

Strike: remainder of line 27 through "labor." on page 3, line 6

And, as amended, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chair):

3/12/2013

HB 163, be concurred in. Report adopted.

HB 170, be concurred in. Report adopted.

HB 247, be concurred in. Report adopted.

HB 273, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair):

3/12/2013

HB 347, be concurred in. Report adopted.

HB 367, be concurred in. Report adopted.

HB 422, be concurred in. Report adopted.

JUDICIARY (Murphy, Chair):

3/12/2013

HB 224, be amended as follows:

1. Page 1, line 12.

Following: "exceed"

Strike: "the" on line 12 through "following amounts" on line 13

Insert: "\$50 million"

2. Page 1, line 13.

Strike: ":"

Insert: "."

3. Page 1, line 14.

Strike: line 14 through line 16

And, as amended, be concurred in. Report adopted.

JUDICIARY (Murphy, Chair):

3/13/2013

HB 225, be concurred in. Report adopted.

HB 330, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair):

3/12/2013

SR 8, preliminary report, be adopted. Report adopted.

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SJR 20, do pass. Report adopted.
HB 280, be concurred in. Report adopted.
HB 333, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

JOINT SELECT COMMITTEE ON PENSIONS (Lewis, Chair):
SB 333, be amended as follows:

3/12/2013

1. Page 18, line 9.

Strike: "4.5%"

Insert: "4%"

2. Page 18, line 14.

Strike: "employment"

Insert: "service"

3. Page 19, line 1 through line 2.

Strike: "A" on line 1 through "to a" on line 2

Insert: "The"

4. Page 19, line 3.

Strike: "that"

Insert: "for a vested member"

5. Page 19, line 14.

Strike: "entitled" through "[section 25]"

Insert: "at least 60 years of age"

6. Page 19, line 17.

Strike: "employment"

Insert: "service"

7. Page 19, line 20.

Following: "retirement"

Insert: "-- rulemaking"

8. Page 19, line 20 through line 26.

Strike: "(1)" on line 20 through line 26 in its entirety

Insert: "(1) If a member receiving an annuity under [section 26] is reemployed in a covered position, the member's annuity payments must be terminated.

(2) The board shall adopt rules specifying the extent to which a member may redeposit amounts received by the member under [section 26]. If a member makes a redeposit, the member must receive membership service credit proportional to the amount redeposited.

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(3) The amount redeposited and the interest credited are not eligible for the percentage match under [section 25(2)]."

9. Page 36, line 26.

Strike: "4.5%"

Insert: "4%"

10. Page 37, line 20 through line 21.

Strike: "A" on line 20 through "to a" on line 21

Insert: "The"

11. Page 37, line 22.

Strike: "that"

Insert: "for a vested member"

12. Page 38, line 3.

Strike: "entitled" through "[section 47]"

Insert: "at least 60 years of age"

13. Page 38, line 10.

Following: "retirement"

Insert: "-- rulemaking"

14. Page 38, line 10 through line 16.

Strike: "(1)" on line 10 through line 16 in its entirety

Insert: "(1) If a member receiving an annuity under [section 48] is reemployed in a covered position, the member's annuity payments must be terminated.

(2) The board shall adopt rules specifying the extent to which a member may redeposit amounts received by the member under [section 48]. If a member makes a redeposit, the member must receive membership service credit proportional to the amount redeposited.

(3) The amount redeposited and the interest credited are not eligible for the percentage match under [section 47(2)]."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

3/12/2013

SB 61, introduced by Ripley

SB 62, introduced by Ripley

SB 104, introduced by Webb

SB 235, introduced by Buttrey

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House bill passed and transmitted to the Senate for concurrence:

3/12/2013

HB 403, introduced by Hill

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 28, introduced by Brenden (by request of the Senate Fish and Game Standing Committee), referred to Fish and Game.

SR 29, introduced by Peterson (by request of the Senate Education and Cultural Resources Standing Committee), referred to Education and Cultural Resources.

SR 30, introduced by Peterson (by request of the Senate Education and Cultural Resources Standing Committee), referred to Education and Cultural Resources.

SR 31, introduced by Peterson (by request of the Senate Education and Cultural Resources Standing Committee), referred to Education and Cultural Resources.

SR 32, introduced by Peterson (by request of the Senate Education and Cultural Resources Standing Committee), referred to Education and Cultural Resources.

SR 33, introduced by Peterson (by request of the Senate Education and Cultural Resources Standing Committee), referred to Education and Cultural Resources.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Tutvedt in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 205 - Senator Vincent moved consideration of **HB 205** be passed for the day. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich.

Total 29

Nays: Augare, Barrett Dick, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 20

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Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

HB 463 - Senator Vuckovich moved **HB 463** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy.

Total 34

Nays: Arthun, Augare, Barrett Dick, Blewett, Brenden, Jent, Kaufmann, Malek, Phillips, Priest, Rosendale, Sales, Stewart-Peregoy, Walker, Wittich.

Total 15

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

HB 317 - Senator Arntzen moved **HB 317** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

HB 318 - Senator Facey moved **HB 318** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown,

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Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.

Total 46

Nays: Barrett Debby, Jergeson, Priest.

Total 3

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

HB 270 - Senator Sonju moved **HB 270** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

HB 59 - Senator Keane moved **HB 59** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 38

Nays: Arthun, Barrett Debby, Brenden, Moore, Ripley, Sales, Taylor, Vincent, Walker, Webb, Wittich.

Total 11

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Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

HB 252 - Senator Jent moved **HB 252** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.

Total 40

Nays: Brenden, Jones, Lewis, Moore, Rosendale, Sales, Walker, Webb, Wittich.

Total 9

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Pro Tempore Debby Barrett presiding. Chair Tutvedt moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

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THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 26 failed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Fielder, Jackson, Jones, Larsen, Moore, Olson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Walker, Webb, Wittich, Mr. President.
Total 24

Nays: Augare, Barrett Dick, Blewett, D. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Lewis, Malek, Murphy, Peterson, Phillips, Priest, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 26

Paired: , Mr. President, Aye; Vincent, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 27 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 172 concurred in as follows:

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Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 302 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich.
Total 28

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 50 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jent, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich.
Total 28

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

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Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

SB 41, as amended by the House, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Hamlett, Jackson, Jent, Jergeson, Jones, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich.

Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Fielder, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.

Total 19

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

SPECIAL ORDERS OF THE DAY

SR 18 - Senator Sonju moved the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 18**. Motion adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

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SR 19 - Senator Sonju moved the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 19**. Motion adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Thursday, March 14, 2013, the fifty-fifth legislative day. Motion carried.

Senate adjourned at 1:56 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President Pro Tempore of the Senate